

an electrolyte cell configured to receive the substrate in the processing position and adapted to have an inner diameter substantially the same as a diameter of the substrate,

96 a contact ring coupled to the substrate holder configured to dispose the substrate on the contact ring in a processing position, the contact ring and the electrolyte cell defining a gap therebetween; and

an actuator coupled to the substrate holder, the actuator being configured to vary a distance defined by the gap.

REMARKS

This is intended as a full and complete response to the Office Action dated April 11, 2002, having a shortened statutory period for response set to expire on July 11, 2002. Claims 1-3, 7-9, 13-15 and 18-21 have been cancelled without prejudice. New claims 26-44 have been added. The specification has been amended to delete page 53, line 5 to page 58, line 21 because the same subject matter contained therein is recited in other parts of the specification, including pages 32, and 34-39. The specification has also been amended to correct a typographical error. No new matter has been introduced by the amendments presented herein. The cancellation of claims 1-3, 7-9, 31-15 and 18-21 and the addition of new claims 26-44 have been made in a good faith effort to advance the prosecution on the merits. Applicants reserve the right to subsequently take up prosecution of the claims as originally filed in this application or in a continuation, a continuation-in-part and/or a divisional application. Please enter the following response and reconsider the claims pending in the application for reasons discussed below.

In a telephone interview on June 25, 2002, the Examiner indicated that amended claims 4-6, 10-12, 16, 17, 22-25 and new claims 26-44 appear to be allowable in the absence of intervening art of record. Applicants appreciate the Examiner's courtesy of scheduling and conducting the interview.

Claims 1-3, 7-9, 11-15, 17-21 and 24 stand rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *Moore*. The Examiner takes the position that the wafer support in *Moore* is equivalent to Applicants' "substrate holder." The Examiner also notes that the rejected claims are an obvious modification of *Moore* since *Moore* appears to be concerned with plating uniformity and a method of determining the depth of the

deposited film. Claims 1-3, 7-9, 13-15 and 18-21, however, have been cancelled without prejudice. Claim 11 has been amended to change its dependency to claim 10. Since claim 10 is allowable, claim 11 should also be allowable. Claim 12 has been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Further, the Examiner has indicated that claim 12, as amended, is allowable in the absence of intervening prior art. Claim 17 has been amended to change its dependency to claim 16. Since claim 16 is allowable, claim 17 should also be allowable. Claim 24 has been amended to change its dependency to claim 23. Since claim 23 is allowable, claim 24 should also be allowable. As to new claims 26-44, the Examiner has indicated during the interview that the new claims appear to be allowable in the absence of intervening prior art. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 1, 3, 18-19 and 21 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Wong*. Claims 1, 3, 18-19 and 21, however, have been cancelled without prejudice. The rejection, therefore, is now moot as it pertains to those claims. As to new claims 26-44, the Examiner has indicated during the interview that the new claims appear to be allowable in the absence of intervening prior art. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 2-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the claims appear to provide method limitations in apparatus claims. Claims 1-3 have been cancelled without prejudice. Claims 4-6 have been amended to obviate the 112 rejection by more clearly reciting the claimed subject matter, and not for patentability reasons. In addition, the Examiner has indicated during the interview that claims 4-6 appear to be allowable in the absence of intervening prior art. Accordingly, claims 4-6 should now be in condition for allowance.

Claim 25 has been deemed allowable. Claim 25 has been amended to more clearly recite the claimed subject matter. In addition, the Examiner has indicated during the interview that the claim 25 appears to be allowable in the absence of intervening prior art. Accordingly, claim 25 should remain allowable.

Claims 10, 16 and 22-23 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims. Claims 10, 16 and 22-23, therefore, have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claims 10, 16 and 22-23, should now be in condition for allowance.

Claims 2-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. During an interview, the Examiner indicated that a typographical error was made. Claims 4-6, instead of claims 2-6, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Claims 4-6 have been rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 4-6 should now be in condition for allowance.

In conclusion, the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the method or process of the present invention. Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.


The prior art made of record is noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, it is believed that a detailed discussion of the secondary references is not deemed necessary for a full and complete response to this office action. Accordingly, allowance of the claims is respectfully requested.

Respectfully submitted,

Official
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Ari O. Pramudji
Registration No. 45,022
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)